

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

FILED

JUL 10 2002

ROBERT D. DENNIS, CLERK
U.S. DIST. COURT, WESTERN DIST. OF OKLA.
BY [Signature] DEPUTY

OTHMANE M. ALAMI, Dr.,

Plaintiff,

vs.

KAPLAN, INC., et al.,

Defendants.

NO. CIV-01-1300-HE

ORDER

Plaintiff Othmane Alami has filed a motion asking the court to amend the judgment entered in this action on April 22, 2002 and permit him to allege a class action claim. Although judgment has not been entered in this case, the court previously dismissed the plaintiff's class action claim due to the plaintiff's failure to respond to the defendants' motion requesting its dismissal. The plaintiff states that his omission was inadvertent, not intentional.

The defendant opposes the plaintiff's motion on the grounds that the class allegations, included in the proposed third amended complaint, a copy of which is appended to the plaintiff's motion, are inadequate. The court concurs, but concludes the plaintiff should be given one last opportunity to amend.

Accordingly, the plaintiff's motion is **GRANTED**, and, if he can allege a class action claim satisfying the requirements of Fed.R.Civ.P. 23, he is directed to file a third amended complaint by Thursday, July 18, 2002.

IT IS SO ORDERED this 10th day of July, 2002.

[Signature]
JOE HEATON
UNITED STATES DISTRICT JUDGE